

Gamble, 429 U.S. 97 (1976).

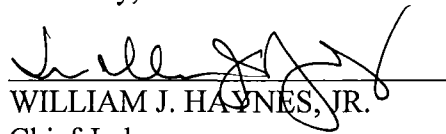
According to his complaint, Plaintiff alleges that he was given medication for the pain, ice to control the swelling, and an x-ray was taken to determine the extent of the injury. These facts do not suggest that the Defendants have not been deliberately indifferent to the Plaintiff's serious medical needs. This dispute, therefore, arises over the adequacy of the care provided the Plaintiff. When a prisoner has received some medical attention and his claim is a challenge to the adequacy of the care provided, federal courts are generally reluctant to second guess medical judgments and constitutionalize claims which sound in state tort law. Hill v. Jones, 211 F.3d 1269 (6th Cir.2000). Medical malpractice does not become a constitutional tort merely because the victim is a prisoner. Estelle, supra at 429 U.S. 105-106. Therefore, the Plaintiff has failed to allege facts that present a violation of federal law. Comstock v. McCrary, 273 F.3d 693, 703 (6th Cir.2001).

Absent a violation of federal law, Plaintiff has failed to state a claim upon which relief can be granted. When a prisoner proceeding *in forma pauperis* and fails to state a claim for relief, the Court must dismiss the action *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate Order is filed herewith.

It is so **ORDERED**.

ENTERED this the 27th day of January, 2014.


WILLIAM J. HAYNES, JR.
Chief Judge
United States District Court